

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
December 13, 2005

The Board of County Commissioners of Leon County, Florida, met in regular session December 13, 2005 at 3:00 p.m. with Chairman Proctor presiding.

Present were Commissioners Thael; Sauls; Winchester; Grippa; Rackleff; and DePuy. Also present were County Attorney Herb Thiele; County Administrator Parwez Alam; and Secretary Diane F. Norvell.

**Invocation and Pledge of Allegiance**

The Invocation was provided by Commissioner Thael who then led the Pledge of Allegiance to the Flag.

**Awards and Presentations**

**Presentation** by Ms. Paula Smith, Chair of the Performing Arts Center Committee (PACC) made up of 11 citizens, appointed by the County and City.

1<sup>st</sup> Task – Research what performing arts center would be best to serve the entire community - held public meetings, did research, visited every performing arts venue of every type throughout the area. Concluded: A two venue performing arts center:

- 1 – 2,200 seat concert theatre
- 2 – 700 seat multi-purpose theatre

2<sup>nd</sup> Task – Location of Center - held public meetings, e-mails, made phone calls, took tour. Concluded: Civic Center – also a CRA eligible for additional funding

**First request:** the Board accept the Civic Center site. However attach three important recommendations:

- 1) add a minimum of 2,400 parking spaces/plan for public transportation to and from remote parking areas
- 2) improvements to the traffic flow including entrance/egress from parking areas
- 3) improvements to pedestrian safety/movement in that area.

**Second request** County Staff work with City Staff and representatives from PACC to explore funding options for capital costs of construction.

- Commissioner Proctor asked if the PACC had a timeline in mind and how the Board would like to proceed. Should this item be work shopped.

- Commissioner Grippa suggested the County stand by the volunteers and complimented the work done by Ms. Brady and Ms. Smith and asked if the PACC had a motion in mind.

Commissioner Grippa moved, seconded by Commissioner Thael to accept the Civic Center as the site for the Performing Arts Center and add the not less than 2,400 parking spaces as well, and thirdly that County Staff work with the PACC to make this project a realization. Motion carried 7-0.

**Resolution** for Charles "Skip" Cook, Environmental and Professional Engineer, Recognizing his Five Years of Service to the County's Code Enforcement Board

- Commissioner Proctor read the Resolution he presented to Mr. Cook who thanked Commissioner Proctor for appointing him. Commended the Board, Thanked his employer CDM and to a great County Staff who does a wonderful job of balancing regulatory compliance with the softer side of helping citizens comply with the codes to protect the public health, safety and welfare of our community. Thanked his wife Paula.

**Resolution** Designating December 10-16, 2005 as "Human Rights Week"

- Commissioner DePuy presented a resolution honoring Human Rights Week throughout the country and here in Leon County to Mr. Leon Barber representing Florida A & M, and Pastor Joseph Wright of the New Jerusalem Church. Pastor Wright thanked Commissioner DePuy and the Board for their support and reminded the group that in 1948 the U.N. General Assembly adopted this proclamation which has been forgotten through the years.

### **Consent**

#### **ACTION TAKEN:**

Commissioner Winchester moved, seconded by Commissioner Sauls, to approve staff recommendations of the Consent Items. The motion carried unanimously 7-0.

1. Approval of Minutes for the November 8, 2005 and November 22, 2005 Regular Meetings

The Board approved Option 1: Approve the minutes of the November 8, 2005 and November 22, 2005 Regular Meetings.

2. Approval of Payment of Bills and Vouchers Submitted for Approval for December 13, 2005, and Pre-approval Payment of Bills and Vouchers for the Period December 14, 2005 through January 9, 2006

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for December 13, 2005, and pre-approve payment of bills and vouchers for the period December 14, 2005 through January 9, 2006.

3. Approval of a Resolution and Associated Budget Amendment Request Realigning \$750,000 of the Supervisor of Elections' Capital Improvement Funds for Purchase of Voting Equipment

The Board approved Option 1: Approve the budget amendment realigning \$750,000 of the Supervisor of Elections' Capital Improvement Funds for the purchase of Elections System and Software's optical scan voting system and Automark device.

4. Approval of a Resolution and Associated Budget Amendment Request for Adjustment of Fiscal Year 2005 Capital Improvements Program Carry Forwards

The Board approved Option 1: Approve the Resolution and associated Budget Amendment adjusting the Fiscal year 2005 CIP Carry Forwards.

5. Approval of Resolution and Associated Budget Amendment Request Appropriating \$250,000 of Emergency Medical Services Fund Balance for Site Location and Preliminary Design Work for Construction of a Permanent Emergency Medical Services Facility

The Board approved Option 1: Authorize staff to initiate the process of constructing a permanent EMS facility and approve the Resolution and budget amendment appropriating \$250,000 of EMS fund balance.

6. Acceptance of the FY 2004/2005 Annual Performance and Financial Report

The Board approved Option 1: Accept the FY 2004/2005 Annual Performance and Financial Report.

7. Acceptance of the Investment Oversight Committee Annual Investment Report for Leon County

The Board approved Option 1: Accept the Investment Oversight Committee's Annual Investment Report for Leon County.

8. Approval of the Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreement

The Board approved Options 1 and 2: 1) Accept the Emergency Management, Preparedness and Assistance Trust Fund (EMPATF) Base Grant Agreement and authorize the Chairman to execute, and 2) Authorize Chairman to execute the letter designating the Emergency Management Director as the Agreement Administrator and authorizing the Director to accept additional funding under the Agreement.

9. Authorization to Negotiate a Contract with Kimley-Horn and Associates for Conducting the Lake Jackson Ecopassage Project Development and Environmental Study, Approval of a Proposed Resolution and Joint Project Agreement Between the County and the Florida Department of Transportation, and Approval of Resolution and Associated Budget Amendment

The Board approved Options 1, 2 and 3: 1) Authorize staff to negotiate an agreement with Kimley-Horn and Associates to conduct the Lake Jackson Ecopassage Project Development and Environmental Study, consistent with the Purchasing policy on negotiations, 2) Approve the Resolution and associated Joint Project Agreement between the Florida Department of Transportation and Leon County and authorize the Chairman to execute, and 3) Approve the Resolution and associated Budget Amendment Request.

10. Adoption of the Public Notice 2006 Tentative Schedule, Citizens Committees, Boards and Authorities 2006 Term Expirations and Vacancies, and Board Travel Schedule

The Board approved Options 1, 2 and 3: Adopt the Leon County Board of County Commissioners' Public Notice 2006 Tentative Schedule and adopt the Citizens Committees, Boards and Authorities 2006 Term Expirations and Vacancies listing, 2) Approve the 2006 Board of County Commissioners' Travel Schedule and authorize Commissioners' travel to the scheduled events, and 3) Schedule the 2006 Board Retreat for December 11, 2006 from 8:30 – 4:30 p.m.

11. Ratification of Board Actions Taken at the November 22, 2005 Workshop on the 2006 State and Federal Legislative Priorities

The Board approved Option 1: Ratify the Board action taken at the November 22, 2005 Workshop on the 2006 State and Federal Legislative Priorities.

12. Approval to Waive Emergency Medical Services Fee for the Red Hills Horse Trials Event

The Board approved Option 1: Waive the Emergency Medical Service fee of \$8,208 for dedicated ambulance and medical services for the 2006 Red Hills Horse Trials Event.

13. Authorize to Apply Online for a \$33,000 subgrant from the State Library and Archives of Florida

The Board approved Option 1: Authorize staff to submit the online application to the State Library to qualify for the subgrant valued at \$33,000.

14. Request to Schedule a Workshop Regarding Infrastructure Phasing Report  
on January 10, 2006 from 1:30 – 2:30 p.m.

The Board approved Option 1: Schedule a Board Workshop regarding the Infrastructure Phasing Report for Tuesday, January 10, 2006 from 1:30 to 2:30 p.m.

15. Request to Schedule Two Public Hearings Regarding a Proposed Ordinance Creating the Mahan Residential Corridor and Mahan Residential Corridor Node Zoning Districts for January 24, 2006 and February 14, 2006  
at 6:00 p.m.

The Board approved Option 1: Schedule public hearings regarding a proposed Ordinance creating the Mahan Residential Corridor and the Mahan Residential Corridor Node for Tuesday, January 24, 2006 and February 14, 2006 at 6:00 p.m.

16. Acceptance of Two Conservation Easements from C & C Developers, Inc.

The Board approved Option 1: Approve and accept for recording the two conservation easements from C & C Developers, Inc. for the Apalachee Hills subdivision.

17. Request to Schedule a Consistency Review with the Planning Commissioner and Request to Schedule Two Public Hearings to Amend the Environmental Management Act to Allow Certificates of Occupancy to be Issued to Homes in Public Subdivisions Prior to Final Inspection Approval

The Board approved Option 1: Approve the Scheduling of a Consistency Review before the Planning Commission and two Public Hearings on a proposed Ordinance to Amend the Environmental Management Act (EMA)

to allow certificates of occupancy (COs) to be issued to homes in public subdivisions where the infrastructure has been determined to be substantially complete and where a performance bond has been accepted to cover the construction costs associated with the incomplete infrastructure and other required improvements.

18. Approval of Agreement Awarding bid to C & L Associates, Inc. for Custodial Services in Group II (Libraries) and Group IV (All Other Buildings)

The Board approved Options 1 and 2: 1) Approve Agreement to award bid to C & L Associates, Inc., for custodial services in Group II (Libraries) in the amount of \$151,674 annually, for an initial 21-month contract period and authorize the Board Chairman to execute this Agreement and 2) Approve Agreement to award bid to C & L Associates, Inc., for custodial services in Group IV (All Other County Buildings) in the amount of \$167,525 annually, for an initial 21-month contract period and authorize the Board Chairman to execute this Agreement.

19. Approval of Agreement Awarding Bid to Air Ideal for HVAC and Related Electrical System Upgrades at the Municipal Way Health Department

The Board approved Option 1: Approve Agreement to award bid to Air Ideal, Inc. in the amount of \$244,000.00; approve the related budget amendment; and authorize the Board Chairman to execute the Agreement.

20. Approval to Negotiate a Contract for Architectural, Engineering, and Interior Design Services for Courthouse Renovations, Phase 1B

The Board approved Options 1 and 2: 1) Find it in the best interest of the County to authorize staff to negotiate a design contract with EMO Architects (for Phase 1B areas that will house the Clerk of Courts on the first floor of the Courthouse) and a design contract with Johnson Peterson Architects (for the remaining Phase 1B areas, including areas that will house the Courts, Public Defender, State Attorney, MIS, and which will address capacity issues related to the life safety codes) and 2) If negotiations are not successful with either EMO Architects or Johnson Peterson Architects, authorize staff to negotiate a design contract with the other top-ranked firm (either EMO Architects or Johnson Peterson Architects).

21. Approval of Proposed Revision of the Purchasing Threshold and Change Order Provisions in the Purchasing and Minority/Women Business Enterprise Policy

The Board approved Option 1: Adopt the revisions to Policy No. 96-01, "Purchasing and Minority/Women Business Enterprise Policy".

22. Approval to Revise Dollar Values for Tangible Personal Property

The Board approved Option 1: Adopt the revised Policy No. 02-5, "Tangible Personal Property" raising the minimum dollar value of tangible property to \$1,000.

23. Approval of Extension of Agreement with Alcohol Monitoring Systems, Inc. for Alcohol Monitoring Devices

The Board approved Option 1: Approve the First Amendment to extend the Agreement with Alcohol Monitoring Systems, Inc., for a three-month period, and authorize the Chairman to execute.

24. Approval of the Plat of Walton Corners Subdivision; Acceptance of the Conservation Easements Associated with the Subdivision; Acceptance of the Performance Bond and Agreement; and, Acceptance of the Maintenance Bond and Agreement

The Board approved Options 1, 2, 3 and 4: 1) Approve the Plat of Walton Corners Subdivision, 2) Approve the Conservation Easement associated with Walton Corners, 3) Accept the Landscape Performance Bond and Agreement, and 4) Accept the Maintenance Bond and Agreement.

25. Acceptance of Status Report for Killearn Lakes Restoration Florida Forever Grant

The Board approved Option 1: Accept the status report for the Killearn Lakes Restoration Florida Forever Grant.

26. Acceptance of Status Report on Lake Munson Algal Bloom

The Board approved Option 1: Accept the status report on the Lake Munson Algal Bloom.

27. Ratification of Florida Forever Grant Submittal for Harbinwood Estates Drainage Improvements

The Board approved Option 1: Ratify the Florida Forever Competitive Grant Program application for the Harbinwood Estates Drainage Improvements.

28. Ratification of the Florida Forever Grant Submittal for Okeeheepkee Basin Retrofit, Authorization of the Funding Agreement and Approval of the

Resolution and Associated Budget Amendment Request

The Board approved Options 1 and 2: 1) Ratify the Florida Forever Competitive Grant Program application for the Okecheepkee Basin Retrofit and authorize execution of the Funding Agreement, and 2) Approve the Resolution and associated Budget Amendment Request.

29. Ratification of Grant Submittal to National Fish & Wildlife for St. Marks Headwaters Long Leaf Pine and Wiregrass Restoration

The Board approved Option 1: Ratify the Grant submittal to the National Fish and Wildlife Foundation.

30. Approval of a Project Agreement with the Office of Greenways and Trails for the Alford Greenway and Miccosukee Greenway

The Board approved Options 1 and 2: 1) Approve the Project Agreement with the State Department of Environmental Protection Office of Greenways and Trails Grant and authorize the Chairman to execute.

31. Approval of Agreement Awarding Bid to Menzi USA Sales, Inc. for the Purchase of a Walking Hydraulic Excavator in the Amount of \$254, 815

The Board approved Option 1: Approve bid award to Menzi Muck USA Sales Inc. in the amount of \$254,815 for the purchase of a walking excavator.

32. Request to Schedule a Workshop to Reconsider the Assessment Liens Regarding 2/3-2/3 Special Assessment Program for Street Improvements for February 14, 2006 from 1:30 – 3:00 p.m.

The Board approved Option 1: Schedule workshop for February 14, 2006 from 1:30 p.m. to 3:00 p.m.

33. Approval of Proposed Settlement Agreement in Florida Department of Transportation Land Acquisition for I-10 Widening Project Involving Property Owned by Middlebrooks Estate

The Board approved Option 1: Approve the Proposed Settlement Agreement and authorize the County Attorney or the County Administrator to execute any and all documents necessary to implement the Settlement Agreement.

34. Approval of Contract with Patton Boggs, LLP for Federal Lobbying Services



The Board approved Options 1 and 2: 1) Approve a one year extension to the existing contract with Patton Boggs, LLP for federal lobbying services during 2006, in the amount of \$100,000, and authorize the County Administrator to execute the contract extension, and 2) Approve the Resolution and associated Budget Amendment Request appropriating an additional \$50,000 for federal lobbying services (to total \$100,000 for this purpose).

35. Acceptance of the Comprehensive Plan Reform Final Report on Mixed Use Policies

The Board approved Options 1 and 2: 1) Accept the Final Report recommendations and direct staff to move forward with comprehensive plan amendment map and text changes, and 2) Approve the Planning Department's recommendation to notice all property owners of redesignated parcels, with the exception of properties proposed for the Suburban designation, and the outsourcing of the printing and mailing.

36. Approval to Issue Request for Proposals for Ambient Water Quality Monitoring

The Board approved Option 1: Approve the issuance of a Request for Proposals for the expanded ambient water quality monitoring program.

**Citizens to be Heard on Non-Agendaed Items (3- minute limit; non-discussion by Commission)**

Speaker:

Mr. Ion Sancho, Supervisor of Elections thanked the Board for the hard work they have done to ensure elections go smoothly in Leon County. Unless this Board and his office worked together to ensure technology and funding is appropriately matched this would not be possible.

Point of personal privilege

Mr. Sancho presented Ms. Pat Curtis, Management Information Services (MIS) Director with a plaque and recognized the MIS Department as key to ensuring elections are conducted in a verifiable and effective manner.

Dr. Haynes came to speak about Kwanza – an African American holiday that is part of mainstream America. Requested funds be set aside for a Kwanza Celebration in 2006. Withdrew request for allocation of funds this year to hold a "Kwanza Ball".

Ms. Lindsay MacConnell, MAC Cosmetics, Dillard's – Governor's Square Mall stated the prevalence of the world wide AIDS/HIV epidemic must be addressed. The Viva Glam Fund is a company wide organization supporting men/women/children suffering with HIV/AIDS. It is not a research program; but a support system making efforts to

ease lives of those suffering with HIV/AIDS. They are holding the 2<sup>nd</sup> Annual Viva Glam Ball – black-tie event to be held on Sunday, January 8, 2006 at 7:30 p.m. at The Moon.

Sitamon Yousof, Curator/Founder/Director of the James Walker Hood Civil Rights Museum - only museum in U.S. that documents civil rights movement from 1787 – 1960's. Submitted a funding request for \$5,000 for the Bessie Coleman Girls Club – educational component of museum to take girls on educational trips. Invited everyone to an Open House at the Museum at the Progressive Center, January 31<sup>st</sup>.

### **General Business**

#### **37. Consideration of Leon County's Participation in the Relocation of Danfoss-Turbocor Compressor's, Inc.**

- County Administrator Alam informed the Board Staff would be making a presentation led by Vince Long, Assistant County Administrator; Mr. Benjamin Pingree Assistant to the County Administrator; Mr. Alan Rosenzweig, OMB Director; Ms. Virginia Rutledge, Financial Advisor with PFM

Mr. Ben Pingree presented an overview of the re location process so far that included a time line of events:

##### **June, 2005**

- Board's initial request from the EDC for the relocation of Danfoss Turbocorps Compressors, Inc.
- Relocation would create 150 new jobs for approximately \$5 million in state and local incentives equaling about \$33,000 per job.

##### **October 25, 2005**

- The Board approved the Partnership Agreement, MOU for the relocation.
- The incentives increased to \$7.4 million total or almost \$50,000 per job.
- The County's direct cash incentives equaled \$1.6 million split between direct funding of \$800,000 for job creation
- \$800,000 for a headquarter facility at Innovation Park to be matched by the City.

##### **November 8, 2005**

- Board approved a Building Ownership Agreement for headquarters
- Facility Ownership– 25% share City/25% share County 50% Innovation Park - based on the initial investment in the building.
- Board appropriated the \$1.6 million in direct cash incentives.
- EDC now only a *start up firm DTC is making the application*

- Danfoss Turbocorps would not provide the security for the deal after previously indicating they would.
- EDC requested the County release \$813,000 toward building construction.
- Board did not approve the request from the EDC.
- Board requested financial review of start-up firm to be performed by PFM.

November 22, 2005

- Board did not approve a TEFRA Resolution request by the LCRDA.
- Board cited inadequate sharing of financial information by company to County and Financial Advisor.
- Deal halted pending additional information from the company making the application.

Alan Rosenzweig stated the Board's decision not to approve the TEFRA resolution was insightful since tax exempt financing would not be an option for this deal to move forward. The LCRDA put out a bid for a taxable scenario. Put 11 proposals out – received no viable offers – (only one bid). The LCRDA, City and County met to discuss alternatives to keep the deal moving forward. If the Board did want to pursue this matter Staff would have to recommend adding another \$1.6 million to the existing \$1.6 million for each Commission.

Now the deal is calling for a total contribution of \$3.2 million each – City/County. The ownership structure would change. Staff is not making this recommendation just informing the Board of what it would take to make the deal viable. City Staff is not recommending any additional funding. Overall total incentives package is now \$7.4 million. Based on a preliminary indication from the Property Appraiser's Office both the building and land associated would be tax-exempt. All tax benefits of this nature would accrue directly to the company. In present value terms – this would equal a \$2.7 million tax windfall for the company. Therefore, the total incentive package is \$13 million Leon County is offering DTC to relocate to Tallahassee.

Virginia Rutledge reviewed the financial information about the company. The details of the advantages/disadvantages to this deal have been provided to the Board in her report. There are no guarantees. She has laid out a series of considerations for the Board to evaluate in terms of the Board's investment and economic development projects. In terms of DTC, it's closer to a 'venture capital' mode than that of a mature industry.

Ms. Rutledge recommended the Board focus on four different types of questions:

- Is this an industry. And is the expected job creation something that warrants the investment.
- Does the overall corporate strategy and investment and what the company is willing to 'put on the table' in terms of security give the government sufficient comfort. Will it produce what it is intended to.
- Is the security enough.
- Is this investment the optimum use of public resources.

These are policy decisions that the Financial Advisor cannot answer for the Board.

Mr. Rosenzweig stated Staff would now give their responses to the **4 questions the F.A. raised:**

- 1) **Determine whether the industry and the associated expected job creation warrants the investment.**

Staff: \$13 million \$3.2 million directly from County. 150 jobs comes to cost of job \$88,000 each.

Conclusion: Overall the County can do better economic development with the funds.

- 2) **Determine the overall corporate business strategy investment. Give sufficient comfort to government investment.**

Staff: Originally secured by the parent company Danfoss AS. When that changed the Commission took a further look. Danfoss has a large ownership stake – but is offering no guarantees by the company

- 3) **Is there security sufficient to satisfy the government.**

Staff: Deal would try to be structured to make sure the County had a first lien on the security on the equipment – ultimately – that would only be 'after the fact'. Also what is the after market for equipment being used to make a product no longer being made. We don't know the value of the equipment or the secondary value is. Will have an ownership stake in building; but unsure if that is where that's where you want to do a building or if it's going to be built out to the needs of the particular provider.

Vince Long, wanted to address the last question of PFM's.

- 4) **Whether the investment is the optimum use of County resources for economic development purposes as compared to other opportunities.**

Staff discovered:

- Using financial incentives to attract companies to relocate to a community is losing favor:
  - Great majority of business expansions and growth occur where the businesses are.
  - When a company decides to relocate we need to ask why
  - Financial incentive and relocation – can create a vicious cycle:
    - A company that we attract with incentives – How likely are they to relocate again if they receive another offer somewhere else
    - Possibility of bidding wars
    - Reputation at stake

When relocation incentives work:

Do the businesses deliver on their promises –Often locals come up short due to the hurried manner in which these deals are presented – usually with little financial detail, take it or leave it propositions, not budgeted expenditures generally.

Usually with relocation the local ends up:

Paying an exorbitant cost per job  
Receiving a low return on their investment

Why are communities engaging in using incentives then:

Appeal is strong – Offer strong hope, promises with general appeal  
Hold out promise of creating 'instant jobs' – hard for a community to ignore  
Promise of expanding tax base  
Immediate stimulation of economy is promised

Mr. Long noted these offers are attractive. There is a perception of 'effectiveness' created by the entire process including the attention given the matter by the media, promises of job creation, etc. However, Mr. Long reported these offers usually equal - high activity and high cost – resulting in low productivity with a low return.

Staff submits this proposal does not maximize the County's resources and public investment toward economic development.

Mr. Long stated Staff would like the Board to change their focus from '*chasing business to attracting business*' and to attract businesses with solid assets. The majority of businesses expand at home. Leon County already has local businesses that are successful and that can thrive right here in Leon County. It would be more profitable to invest in local business.

Staff recommends: Demonstrate commitment to economic development by maintaining the \$1.6 million in the FY 05/06 budget and direct Staff to work with the City, Capital City Chamber, EDC to grow, retain, expand and diversify the local economy.

**Commissioners had several questions listed below for Staff and Ms. Rutledge, Consulting Financial Advisor**

**Commissioner Proctor**

Does this company have any money in the bank, did they lose money this year, will they be stable next year.

*Mr. Rosenzweig: There is nothing in the FA's report that would allow Staff to give the Board those assurances. Things are all prospective. No, there is nothing they know now that could give the Board those assurances.*

Asked Ms. Rutledge if this company passed the check up examination.

*Ms. Rutledge stated this is not an investment decision that can be made on looking at past historical financial information. The company has cash flow losses and negative net income. It's projected to be positive in another year – but what is this based on though. Her real question is given the just-mentioned status of the company - where are they getting capital, where do they have access to capital, are they really in production with real customers and real orders, and what are their prospects for having investors willing to put money into the company while they are still in the early stages of development – while they still project to have net income and cash flow losses. Their investors have put in a lot of money, ultimately this matter is a policy decision about how much they will invest in the long term.*

**Commissioner Rackleff**

Asked Ms. Rutledge about an article appearing July 29<sup>th</sup> stating Commerce Energy Group sold its entire stock in Turbocorps to a private investment group, Shandong for \$2 million in cash. Where it says 92% of Turbocorps is owned by Shandong – this could include previous holdings.

*Ms. Rutledge: She believes it does.*

Do we have an idea of what its market value is.

*Ms. Rutledge: Wouldn't begin to place a financial value on a company that has substantial negative equity at this point. Sophisticated investors will determine whether the future of the products is: worth investing in, having patience with and helping with the management of the company. Some of these approaches will work some won't. The market value is pretty speculative at this point.*

In your experience would a bank make the kind of investment we are being asked to make. I guess that's been answered since they haven't.

*Ms. Rutledge – Gets into their likelihood of return.*

*Mr. Rosenzweig, Staff stated as part of their research they asked if the financing could be secured by only the lease revenue of Turbocorps. Bank of America made it clear – they would not finance unless the City and the County were the security.*

### **Commissioner Thael**

When this first came to the Board it sounded great. He asked what has changed to increase the investment required from the County/City and what happened to the provision for 'claw backs' in relation to the jobs.

*Staff: Those claw backs are still in effect to create 150 jobs within three years per the MOU. However, to complete the deal would require an additional infusion of cash for the building creation.*

Asked Ms. Rutledge about the issue of the positive cash flow. Was there any empirical evidence sustaining their hopes to be in a positive cash flow. What evidence did she review.

*Ms. Rutledge: Clearly they reviewed their financial projections and the basis for them. Reviewed contracts with customers – how speculative are the growth and the unit projections – the main issue. They have real contracts that she cannot discuss (due to a confidentiality agreement) that could materialize or could not.*

*Commissioner Thael asked Ms. Rutledge additional questions about the company's finances and investors contained in her report.*

### **Commissioner DePuy**

Stated he is cognizant of the fact there are confidentiality agreements. However, in planning for the future. All he has heard so far is why the Board should not approve this. Did the F.A. see legitimate offers and or contracts that are valid.

*Ms. Rutledge: They appear valid. But there are some caveats.*

### **Commissioner Grippa**

Thanked Staff and the PFM for their hard work. Can the F.A. talk about Shandong APS – as an investor in Turbocorps.

*Ms. Rutledge – this is a small group of private investors in assorted projects globally. She did not look at financials for that piece of the family.*

Does Shandong own a majority stake in Danfoss, Turbocorps.

*Ms. Rutledge – Danfoss Turbocorps is owned 50% by Danfoss and 50% by Turbocorps. Turbocorps is owned 90 plus percent by Shandong.*

So Shandong is about a 50% owner of Danfoss Turbocorps.

*Ms. Rutledge: That is her understanding.*

The tax free advantage. If the County owns the building what tax free advantage are they getting. They still have to pay intangible taxes – correct.

*Staff: They don't have to pay on the building or the land*

That's because we own it. Why would we ask somebody to pay for it if we own the building

*Staff: Because the taxes are lost ultimately if they were going into a private building. By virtue of being in that building they don't have to pay any property taxes. It is a loss to the School Board, the City and the County.*

Isn't that true of any entity in Innovation Park, where the County or the City owns the building

*Staff: Don't know that for certain. Property Appraiser's office walked very lightly. Scenarios vary depending on how the final lease documents are structured. It is not consistent in all scenarios.*

They wouldn't be required to pay taxes if they were in a government-owned building. The incentive is the \$4 lease. They still have to pay 'intangible' taxes correct.

*Staff: Correct. On the equipment.*

Securing the loan. Can you secure our credit in case of insolvency. How can you enhance it

*County Attorney Thiele: You become a superior lien holder.*



- Commissioner Grippa thanked Staff and said the Board needs to change the way they do economic development in Leon County.

*Commissioner Grippa asked several more questions dealing with the company's finances, creditors, loans, investments, lien holders, securing loans, etc.*

- Commissioner Proctor thanked Staff for their presentation. Commissioner Proctor asked why a \$2 billion dollar revenue company is seeking start up money from Leon County. Is that a norm.

*Ms. Rutledge: Stated it was a difficult question to answer directly.*

Speakers:

Cecily Parker, Capital City Chamber of Commerce (COC) stated the Chamber is poised to enhance small businesses' enterprise endeavors through their community development corporation and have true partners in the form of FAMU Small Business Center, TCC, Capital Outlook Newspaper, Hispanic and Asian Business Owners, City of Tallahassee's Economic Development Dept., the Leon County Schools Small Business Development Office, FSU, FAMU Federal Credit Union, Wachovia Bank, Flowers & White Law Firm, among others. The COC agrees with the Staff and asks the Board to remember these existing businesses when they make their decision. Urge option 1 and 2.

Frank Govett stated the City and County have been trying to get industries to come here for forty years. Somehow, something always goes wrong. Mayor of Midway recently increased their tax base from \$1 million to \$39 million. That \$39 million could be in Tallahassee. Both commissions have been on the fence for so long they have fallen asleep. Recommends go ahead, bring them in, if they fail – at least we will have tried. Let's gamble on it.

Priscilla Hawkins, Vice President for Communications & Development, Capital City Chamber of Commerce thanked Staff for their recommendations and Board for doing what community asked them to do when they were elected – to look out for the community's interest. Sometimes it's good to take risks; but, it is also good to *take care of home first*. There are many existing companies in Leon County that could grow with a small influx of cash that would also bring more jobs to the community. Local businesses have already put their interest, money and time in Leon County.

- Commissioner Proctor asked the Board if they would agree to allow Mr. Law more than three minutes to speak since Staff's presentation lasted over an hour. The Board agreed.

Speaker:

Bill Law, President of Tallahassee Community College, and Chairman of the Economic Development Council (EDC) stated the Board asked the EDC to bring them quality companies to bring jobs to Leon County. Presented reasons Board should approve this proposal:

- 150 high quality jobs with a \$10 million payroll
- incentives are secured by real property and by agreement with the company to the fullest extent possible
- upon successful rent to Danfoss Turbocorps Compressors (DTC) for twenty years the County will be owners in a building
- the building is not an incentive – it is an equity the County owns
- a below market lease is an incentive – but the building is not

1) The Board asked the EDC to leverage our community. This company is coming because of the considerable talent pool in the community and the potential to tap into it.

2) Quality of life – an important factor in making this decision.

3) Board indicated they wanted to mobilize the existing economic infrastructure – Innovation Park in place. The EDC was able to make a commitment to get them in the Park at an early date.

Mr. Law noted the following:

- Didn't do this as a 'real estate' deal. Brought this to the Board to bring jobs to the community. Re-stated the \$10 million payroll this re location would bring.
- Average salaries of these positions would be 50% above the average salary of state employees. Jobs will average \$44,000 at first phase, then move to the mid 50's at full employment. A third of workers in Tallahassee say they feel they are under employed.
- The EDC is trying to bring more than 100 jobs that pay above the average salary.

Mr. Law reported that he is very very committed to this project. The job opportunities should weigh heavily regarding the Board's decision. Mr. Law then spoke to the financial coverage. Danfoss Turbocorps has agreed to pay taxes. Innovation Park – 3 offers they were working with. City and County Staff proposed the deal with DTC. It is unfair to say this is not a 'bankable deal'. Mr. Law then spoke to rumor that Turbocorps had taken incentives previously from a community and then moved on. Mr. Law reported Turbocorps took no incentives - Turbocorps had an 'equity deal'. The Canadian government bought into their business, then sold its interest at a

subsequent date. Mr. Law informed the Board the President of Turbocorps, Mr. Joe Orosz was present to answer questions. Mr. Law wanted to ensure it is understood that this is not an either/or proposition. Mr. Law stated there are no certainties in business.

Speaker:

Mr. Joe Orosz, President of Danfoss Turbocorps Compressors, Inc. (DTC) stated that the company behind DTC, which is Danfoss is a real company. DTC already has 75 employees and it is not a start-up company. Mr. Orosz stated DTC was there today because they felt Tallahassee had the ability to supply the intellectual capital to grow their business. There were a lot of other locations throughout the U.S. they could have chosen.

- Commissioner DePuy asked Mr. Orosz why they want to leave Canada to come to Tallahassee.
- Mr. Orosz stated the air-conditioning market in Canada is fairly limited for obvious reasons. There is not a lot of demand for their product. Also, producing products and exporting them through a currency exchange puts the company at a large financial risk. When all your expenses are in Canadian dollars and you have no revenue side it is dangerous in the long-term. Mr. Orosz indicated a large majority of their customers are in the south east. From the supply chain side Tallahassee is a good location. DTC would have better access to deep water ports if they re locate here. Also there is an inability to get employees skilled in this business in Canada.
- Commissioner Grippa asked if the company 1) ensuring Leon County reaches the highest class of creditor in case of insolvency of any other creditor allowed by law. Mr. Orosz stated they have no problem with that. Commissioner Grippa then asked 2) whether other than interest payments, no payment of public funds which are the incentives the County gives Danfoss could go to either of the upstream stockholders. Mr. Orosz stated the public funds are not used to fund the working capital. Commissioner Grippa stated this has not been the best process but wanted to credit the Staff for their work on all the details that needed to be addressed.

*Commissioner Grippa made several comments on the process of the proposal, Staff's input, job creation, incentives, creditors, etc.*

Commissioner Grippa moved, seconded by Commissioner Depuy to move forward from a Memorandum of Understanding to a contract that has the following provisions and then return to the Board for approval: 1) that it include the deal that has been outlined, the building of the building, subject to the City participating, 2) ensure the County is a secured creditor, as is Innovation Park, to the highest extent allowed by law, and 3) any and all public funds not be allowed to go upstream to the two investors for their loan.

Commissioner Thael asked the maker of the motion, agreed to by Commissioner Grippa to make a friendly amendment to the motion that there would be some form of payment by DTC in lieu of the taxes.

- Commissioner Grippa stated he wanted to clarify two separate issues:
  - 1) He did not say that we do not proceed without the City. He said that it is crucial and that it comes back to the County Board if the City does not agree to participate. The County Board is independent and not reliant on the City.
  - 2) Whatever the \$20,000 or \$30,000 are in property taxes – if this was a part of the original deal, and this is a make or break issue on the \$5 million dollar deal he will amend his motion.
- County Administrator Alam raised several issues:
  - DTC is going to be paying the property taxes – this is part of the deal and does not have to be in the motion.
  - Reported on what has happened over the last two or three weeks.
    - When the Board first approved the deal the County/City would contribute \$1.6 million each. However, if there is financing from a bank, the lease payment of \$3.90 would not cover the debt service. The City and County would have to make a monthly or annual payment to cover the debt service on the financing.
    - It is now a catch 22 because when the County finances this deal, our share of fiscal input goes from \$1.6 million to \$3.2 million. Now we are talking different dollars because the financing did not work in the proposals that were returned to Staff. The County has limited resources.
    - The issue staff is raising is – have we looked in our community and asked if the County was to subsidize local businesses – what could they do with the money. We need to ask local businesses that question. Danfoss is a large company, yes. But there are a lot of large companies in the world.
    - Danfoss is a \$2 billion dollar company. Why are they not backing their own company.
    - How does that affect *this* deal. Are they going to put their resources into *this* deal.
    - We have had a company come with incentives and stay for only a year before leaving. Both the City and County put money into a previous deal and ending up losing the money they invested. We should diversify local companies that are here to stay. The public investment counts most.
- Commissioner Winchester thanked Staff and the EDC for their hard work and asked the President of Danfoss will Danfoss sign and guarantee a lease for Turbocorps.

*Mr. Orosz stated no.*

- Commissioner Winchester stated Leon County needs to continue to diversify the economy; but they also need to focus on local businesses. What clinches it for him is that he has never been able to buy a piece of property, lease a piece of land and not personally guarantee it. Commissioner Winchester stated he cannot swallow the fact that a \$2 billion dollar company cannot sign a twenty year lease. Secondly, Commissioner Winchester stated he cannot swallow the fact the County would give that kind of money to a company that won't sign and guarantee a lease to be in this community and back the deal and tell our local businesses we are not going to do anything for them. Commissioner Winchester indicated he was prepared to vote for this when he came in; however after tonight's conversations he believes it is time to put the ball back in their court and for DTC to come up with a better deal for the taxpayers of this community that he could vote for.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Rackleff to approve Options 1 and 2: 1) Affirm the Board's commitment to local economic development efforts by maintaining the previously appropriated \$1.6 million in the FY 2006 budget and 2) Direct staff to work with the City and the Economic Development Council (EDC) to develop a program to grow, retain, expand, and diversify local businesses, including a Small Business Enterprise Program. Motion carried 5-2, with Commissioners Thael and DePuy opposed.

- Commissioner Winchester added the Board is in public negotiation consideration regarding this issue. He would very much like to see this company come to this community – but any company coming to this community needs to make a strong commitment to it. The biggest question for him is why won't a \$2 billion dollar company back DTC.
- Commissioner Rackleff stated he needs more time to discuss this and can it be taken up after the Hearings.

Commissioner Grippa called for a point of order – asked the motion maker can the motions be separated.

- County Attorney Thiele stated if the \$1.6 million referenced in Option 1 the funding source for the Turbocorps project then – if the substitute motion passes those funds have been reallocated away from the Danfoss project.

*The Board recessed at 5:40 p.m. Discussion on Item #37 to resume after Public Hearings at 6:00 p.m.*

#### **Discussion resumed on Item #37 subsequent to the Public Hearings**

- Commissioner Winchester re stated the reasons for his substitute motion the main one being the President of Danfoss Turbocorps' refusal to guarantee the

loan. Commissioner Winchester really wants DTC to come to Tallahassee, but this would not be a sound decision for this community.

Commissioner Winchester moved to call the question. There was no second.

- Commissioner Winchester stated he would be glad to withdraw his motion to call the question if there was some serious discussion on this matter; but noted he hasn't heard anything additional.
- Commissioner Rackleff stated there were several obvious problems to this 'deal'. Commissioner Rackleff mentioned the number of financial articles he has written. He stated that what big companies that come here and give us, they can leave with and take away, citing the recent disappearance of 300 call center jobs with Sprint's departure and AirTrans departure – after the County totally subsidized them. Commissioner Rackleff stated he realizes there are no guarantees but \$3 and ½ million of taxpayers' money could go a long way to improve the local economy.

*Commissioner Rackleff discussed reasons not to vote for this Agreement at length.*

- Commissioner Sauls stated she wanted to go over some questions and concerns. The Board met on November 8<sup>th</sup> and voted to approve a budget amendment appropriating \$1.6 million in direct incentives for DTC's relocation only to return a month later to find the price has 'doubled'. Commissioner Sauls asked if Staff knows the City's position on this.
- County Administrator Alam reported City Staff recommends the City does not contribute more than \$1.6 million to this project. However, no one knows how the City will vote.
- Commissioner Sauls stated she has a real problem with doubling the money being appropriated for this deal. She noted Commissioner Grippa's point that neither the City nor the County could move far on this without the other's agreement to put the funds toward the relocation.
- Commissioner Grippa asked Dr. Law why the price doubled.
- Dr. Law explained the sole difference is that the County owns more of the building. Instead of borrowing the money from the bank each entity, City, County and Innovation Park would put up more money but own more of the building. Stated the County would be getting a higher return from their money.
- Commissioner Grippa stated the second part of this issue is what you are getting for the money. Now the Board is investing in a building. If DTC would go insolvent the County would own part of the building. If DTC is successful DTC pays the County the lease payment – in year ten that would become a cash flow. Commissioner Grippa asked if the Innovation Park Board still stands behind this.
- A Representative for Innovation Park stated their Board strongly supports this deal. Want it on the record they want this project to go forward and think it is a good deal.

- Commissioner Grippa argued this deal is actually a better deal. He stated there is more security and less risk than the other deal. Commissioner Grippa spoke to Danfoss not agreeing to guarantee the lease; he thinks Turbocorps probably will. Danfoss probably won't. The \$2 billion company isn't guaranteeing the lease; but they are based overseas. Commissioner Grippa stated after reading the F.A.'s report his understanding is that if the County wants to do a good venture capital deal this is a good one to do. He stated the risk is having a company come here that is not well-capitalized. Commissioner Grippa reminded the Board they asked the EDC to go find a deal and bring it to the Board. Commissioner Grippa stated he is willing to take the risk.

Commissioner Sauls on point.

- Commissioner Sauls stated she has been very supportive of this project too and is in an awkward position since she also sits on the Innovation Park Board.  
She reiterated that this is a different deal from the one they were presented. Looking at the history of this proposal – the County is being asked to go from a \$7.4 million in incentives to more than \$13 million. The County's portion has gone from \$1.6 million to \$3.17 million. Asked what the lease payments per square footage DTC would be paying.
- County Administrator Alam answered \$3.90 per square ft.
- Commissioner Sauls then asked what the normal market rate for square footage is.
- Staff answered between \$8 - \$10 per square ft.
- Commissioner DePuy stated he has listened to the passionate statements the Commissioners, Staff, the EDC, and Danfoss have made. Commissioner DePuy especially wanted to speak to Commissioner Rackleff's comments noting this is a very different Tallahassee from the one Commissioner Rackleff grew up in. Commissioner DePuy referenced the fact that over 50% of the people now living in Tallahassee have lived here ten years or less. People have found Tallahassee. How many people have moved into districts even in the last four years. Commissioner DePuy believes what he has heard from Staff, the F.A., and he thinks it is a give and take proposition and intends to vote against the substitute motion. Commissioner DePuy stated it is time to 'get on the bus'.

*Commissioners and County Administrator Alam spoke at length on lease payments, ownership, if this is the same 'deal or not', the debt service, incentives - arguments for and against DTC relocating to Tallahassee.*

Dr. Law asked do we offer subsidies to bring people to this town. If you want to play at a higher level you have to offer higher incentives.

- Commissioner Winchester stated everyone would like to have DTC come to Tallahassee. However, the issue is whether this is a sound business decision for the taxpayers of Leon County. If Danfoss will guaranty the lease for twenty years the deal can go through. The ball is in Danfoss' court – a \$2 billion dollar company that needs to make a commitment to this community.

Commissioner Winchester moved, seconded by Commissioner DePuy to call the question.

38. Consideration of Funding Request from the Capital City Classic Basketball Tournament in the Amount of \$5,000 for County's Purchase of Tickets for Distribution to Disadvantaged Youth

- County Administrator Alam briefed the Board on this item.
- Commissioner DePuy stated Senator Al Lawson sent him a request for the Board's support on this item. Commissioner DePuy asked the Senator if the Board could assist this community event in a different way this year by contributing \$5,000 for the purpose of buying tickets for disadvantaged children to attend this tournament.

Commissioner DePuy moved, seconded by Commissioner Thael to approve Option 1: Approve a \$5,000 donation to purchase tickets for the Capital City Classic Basketball Tournament to be distributed to disadvantaged youth. The motion carried 6-0, with Commissioner Winchester, out of Chambers.

39. Consideration of Funding Request for Sponsorship of the First Annual Kwanza Tallahassee Extravaganza 2005

- Commissioner Thael indicated plans have been withdrawn to conduct the celebration this year. President of the Organization did ask the Board to consider a sponsorship in next year's Budget for a Kwanza event.

40. Consideration of Funding Request in the Amount of \$25,000 to Hire a Consultant for Review of Fire and Emergency Medical Services Joint Dispatch Issues

- County Administrator Alam stated the City would contribute \$12,500 as would the County toward this request to hire an independent consultant to study the creation of a joint dispatch center for Fire and Emergency Medical Services (EMS).

Commissioner Thael moved, seconded by Commissioner Grippa to approve Option 1: Approve the funding for \$12,500 and direct staff to negotiate a "sole source" contract with Public Technology Incorporated for consulting services (to be matched by the City) for the review of creating a joint dispatch center for fire and EMS, with corresponding authority to the County Administrator to execute



the contract. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Commissioner Grippa asked the motion maker to include in the motion the condition that Commissioner DePuy along with City Commissioner Lightsey choose the Consultant for this project. The maker of the motion agreed to the condition.

- Commissioner DePuy stated that he will be happy to represent the Board and start work on this matter tomorrow with City Commissioner Lightsey.

Speaker:

Arthur Kirbey wanted to ask the Board what happened to the \$200,000 consultation package put together by Fitch & Associates approximately two years ago. Why is the Board going to a third consultant for a something that is already a matter of public record.

- Commissioner DePuy indicated that any time the Board spends taxpayers' money they are certainly entitled to an answer. Commissioner DePuy stated this issue is of grave concern to both the City and County Commissions as well as the Police, Sheriff, Fire and County EMS Departments. The request Commissioner DePuy made along with City Commissioner Lightsey is to try to take politics out of this decision and have an objective third party without a political agenda. Frankly, \$25,000 is a fraction of the money that has already been spent on this. This item will focus strictly on he and Commissioner Lightsey's request to focus on Fire and EMS Dispatch in an effort to get the fastest pieces of equipment to people to save lives. Commissioner DePuy indicated the law enforcement issue is off the table for this study. He and Commissioner Lightsey will have a response for the Board some time in January with firm recommendations that can be voted on as to how they can streamline Fire and EMS responses.
- Arthur Kirbey asked Commissioner DePuy if he was saying the Fitch Study was inadequate.
- Commissioner DePuy stated he did not say that.

41. Consideration of Voluntary Annexation of Capital Circle SouthWest/Linderand Property

- County Administrator Alam reported this is a voluntary annexation proposal for the City to annex approximately 14 acres located on Capital Circle S.W. adjacent to the Airport Industrial Park. Staff recommends the Board not object to this item.

Commissioner Rackleff moved, seconded by Commissioner Sauls to approve Option 1: Do not object to the proposed voluntary annexation of Capital Circle

Southwest/Linderand property. Motion carried 5-0, with Commissioners Grippa and Winchester out of Chambers.

**Scheduled Public Hearings 6:00 p.m.**

42. First and Only TEFRA Public Hearing to Adopt a Proposed Resolution Approving the Interlocal Agreement Regarding Presbyterian Retirement Communities, Inc.

- County Attorney Thiele reported this item is a re-issuance of a private bond obligation, but because it is going to be utilized to construct 27 additional units. Because of the location it has to go through the Leon County Public Hearing process. Request is to conduct the Public Hearing, adopt the Resolution and the Interlocal Agreement – Staff recommends moving Option 1.

Commissioner Thael moved, seconded by Commissioner Sauls to approve Option 1: Conduct the first and only TEFRA public hearing, adopt the Resolution, and approve the Interlocal Agreement regarding Presbyterian Retirement Communities, Inc. Motion carried 5-0, with Commissioners Grippa and Winchester out of Chambers.

- Commissioner Proctor asked if we have a cap on Agreements since this amount is for \$76 million and looks like a new high.
- County Attorney Thiele reported this is not a debt or obligation of Leon County it is coming through Orange County.
- Commissioner Proctor asked what Leon County's role or burden is then.
- County Attorney Thiele stated that because Leon County is the local jurisdiction where proceeds from the bond issue are going to be expended we are required to have the tax hearing and participate in the Interlocal Agreement which allows the bond money to be spent at Westminster Oaks.

43. Second and Final Public Hearing on the Submittal of a Small Cities Community Development Block Grant – Economic Development Category Application

- County Administrator Alam briefed the Board on this item.
- Commissioner Thael commented it was his pleasure to move this item, since this item would create a number of jobs that would pay a living wage which is \$12 an hour in this community and encourages other employers to pay at least \$12/hr or a 'living wage'.

Commissioner Thael moved, seconded by Commissioner Rackleff to approve Option 1: Conduct a second and final public hearing and adopt the Resolution authorizing the submission of the Community Development Block Grant –

Economic Development category application. Motion carried 5-0, with Commissioners Winchester and Grippa out of Chambers.

44. Second and Final Public Hearing on Proposed Revisions to the Sign Code Ordinance

- County Administrator Alam briefed the Board on this item and indicated there was a speaker on this item.

Speaker:

Mr. George Lewis II stated he thought the Comp Plan would prevent the erection of advertising signs in the Lake Protection District. Thinks this Ordinance is inconsistent with the Comp Plan.

Commissioner DePuy moved, seconded by Commissioner Thael to approve Option 1: Conduct the second and final Public Hearing on December 13, 2005 and adopt the proposed Ordinance revising the Sign Code. The motion carried 5-1, with Commissioner Rackleff opposed and Commissioner Winchester out of Chambers.

- Commissioner DePuy asked Staff to respond to Mr. Lewis' comments.
- Mr. David McDevitt, Acting GEM Director stated the Sign Ordinance was taken to the Planning Commission for a consistency review and they did not identify any consistency issues with the Comp Plan.
- Commissioner Thael stated he liked certain aspects of the Ordinance: prohibition of stacking off site signs, provision for multi phase signs reducing the actual number of signs, but not comfortable with: the 1,500 ft and 100 ft. Asked Staff what would happen if we cut those numbers in half.
- David McDevitt stated the separation is a state requirement – there are a lot of nonconforming signs and this ordinance would bring those into conformity. The 1,500 ft separation addresses the DOT requirement. There is logic to the numbers.
- Commissioner Rackleff asked if this Ordinance would make the signs in the Lake Protection zone conforming.
- David McDevitt stated a lot of the signs will still be non conforming however, the new sign code reduces the size and height of off site advertising.
- Commissioner Rackleff stated he is worried that the potential to add more signs to the lake protection areas.
- Commissioner DePuy stated he likes the usage of the multi-face – usually three-sided - signs in this Ordinance which he thinks will have an impact of creating less billboards.

45. Conduct the First and Only Public Hearing for the Proposed Abandonment of Lord Fox Road in Oak Valley Estates Subdivision

County Administrator Alam reported the County Attorney advised Staff there was an error in the Public Notice therefore Staff recommends this Hearing be continued to the January 10, 2006 Meeting.

Commissioner Thael moved, seconded by Commissioner DePuy to approve Option 1: Continue the Public Hearing to January 10, 2006 at 6:00 p.m. to consider the Lord Fox Road abandonment and Abandonment Resolution. The motion carried 6-0 with Commissioner Winchester out of Chambers.

46. Conduct the First and Only Public Hearing Regarding the Pre-application for Authorization of a Sewer Service Area for Property Fronting on the South Side of Tower Road

- County Administrator Alam stated Staff recommends Option 1.

Commissioner Sauls moved, seconded by Commissioner Thael, to approve Option 1: Conduct the Public Hearing and authorize an exclusive sewer service area for the property fronting on the south side of Tower Road. The motion carried 6-0, with Commissioner Winchester out of Chambers.

47. Conduct a Public Hearing Regarding Intent to Use the Uniform Method of Levy, Collection, and Enforcement of Non-Ad Valorem Assessments for Oakhill Farms Unit III 2/3 Project

- County Administrator Alam briefed the Board on this item and indicated there were no speakers on this item.

Commissioner Sauls moved, seconded by Commissioner Thael to approve Option 1: Conduct the Public Hearing and adopt a Resolution of Intent to utilize the Uniform Method of Collection for the Oakhill Farms III Subdivision 2/3 Paving Project. Motion carried 6-0 with Commissioner Winchester out of Chambers.

48. Conduct a Public Hearing Regarding Intent to Use the Uniform Method of Levy, Collection, and Enforcement of Non-Ad Valorem Assessments for Journey's End 2/3 Project

- County Administrator Alam presented the Item to the Board.

Commissioner Sauls moved, seconded by Commissioner DePuy to approve Option 1: Conduct the Public Hearing and adopt the Resolution of Intent to utilize the Uniform Method of Collection for the Journey's End Subdivision 2/3 Paving Project. Motion carried 6-0, with Commissioner Winchester out of Chambers.

- Commissioner Thaelle asked if Staff could provide the Board with color map to better illustrate the location of the areas spoken to in the items.
49. First and Only Public Hearing on a Proposed Amendment to the Official Zoning Map to Change the Zone Classification From R-3(Single Family Detached, Attached Two-Family Residential District) to R-5 (Manufactured Home and Single-Family Detached District) (RZ#502)
- County Administrator Alam stated Staff recommends approving Option 1.

Commissioner DePuy moved, seconded by Commissioner Sauls to approve Option 1: Adopt the proposed Ordinance, amending the Official Zoning Map from R-3 (Single Family Detached, Attached Two Family Residential District) to R-5 (Manufactured Home and Single Family Detached). Motion carried 5-0, with Commissioners Winchester and Grippa out of Chambers.

- Commissioner Thaelle stated that a manufactured home is 'designed to be used as dwelling unit with or without a permanent foundation when connected to the required utilities'. He asked a question about the issue of designing structures more secure from wind events. Are we promoting more housing without permanent foundation exposing citizens to danger.
  - County Attorney Thiele stated yes, it would allow a different form of construction that is not site-built; whether that means it is more subject to conditions of hazardous weather he doesn't know. He reminded the Commissioner the Board is not allowed to regulate the construction of the manufactured homes, simply in part their location.
  - Ms. Sherri Baker, Planning Dept. stated this Ordinance is simply to make the uses in the item consistent with the Comp Plan, since they currently are not.
50. First and Only Public Hearing on a Proposed Amendment to the Official Zoning Map to Change the Zone Classification From RA (Residential Acre) to WC (Woodville Commercial District) (RZ#486)

- County Administrator Alam stated Staff is recommending against making this change.
- Sherry Baker, Planning Dept. explained that a citizen is requesting the property be rezoned, after thorough research Staff recommends against the classification change since there is no commercial development within that area.

Commissioner Thaelle moved, seconded by Commissioner Winchester to approve Option 1: Do not adopt the proposed Ordinance and retain the existing RA (Residential Acre) zoning district. Motion carried 7-0.

Speaker:

Mr. Higdon Ingram, representing 6 homeowners support the position of the Planning Commission not to adopt this item and consider the integrity of their residential area.

- Commissioner Sauls commented that this is the correct thing to do noting that County Staff recommends against making the proposed zoning changes.

51. First and Only Public Hearing on Proposed Rezoning for Property Located Within the Lakewood Village Industrial Park off Capital Circle NW from R-3 to M-1

- County Administrator Alam presented the item to the Board, Staff recommends continuing this item until the January 24, 2006 meeting.

Commissioner Grippa moved, seconded by Commissioner DePuy to approve Option 1: Continue the first and only public hearing to adopt a proposed Ordinance to amend the Official Zoning Map from the R-3 (Single Family Detached, Attached Two Family Residential) to the M-1 (Light Industrial) district until its January 24, 2006 meeting. Motion carried 7-0.

52. First of Two Public Hearings to Adopt a Proposed Ordinance Amending Section 10- 173 of the Leon County Code of Laws, Redevelopment Allowances

- County Attorney Thiele briefed the Board on this item noting Commissioner Winchester requested this item be continued.
- Commissioner Winchester stated the parties he has been meeting with need more time to resolve this issue. Working with Friends of Lake Jackson, Walmart representatives and neighborhood groups to work out a redevelopment ordinance without destroying the quality of life and the lakes.

Commissioner Winchester moved, seconded by Commissioner Sauls to continue the first of two public hearings to the January 24, 2006 meeting. Motion carried 7-0.

ADD-ON:

53. Consideration of Waiver of County Fees and Expenses Incurred for Fallschase DRI Chapter 163 Development Agreement

- County Attorney Thiele reported the CAO has completed some background preliminary issues and attached the requirements in the code for the payment of the fee. The CAO recommends not to grant the waiver.

Commissioner Grippa moved, seconded by Commissioner Thael to approve Option 2: Board denial of waiver of payment of the attorney's fees and costs incurred by Leon County, in the negotiations and processing of the Chapter 163

Development Agreement for the Fallschase DRI, and require the applicant, AIG Baker to submit payment of said attorney's fees and costs to Leon County, on or before January 15, 2006. Motion carried 5-1, with Commissioner Proctor opposed and Commissioner Winchester out of Chambers.

- Commissioner Proctor stated when he looked at the \$20 million of concessions the applicant gave to the County, and given there was no precedent of costing out the attorney fees for the applicant to pay for the County's lawyer.

#### 54. Board Direction Regarding Welaunee Annexation

- County Attorney Thiele stated this matter came up at the Board Retreat regarding discussion relating to the County objection to the Welaunee Annexation. The CAO indicated the City voted to approve the annexation. The Board requested the CAO to prepare a brief agenda item to seek further direction with regard to legal options. Given the action by the City Commission the 30 day window within which to act, that time period would go by before the Board would meet again.
- Commissioner Grippa informed the Board the former agreement with Welaunee has expired.

Commissioner Grippa moved, seconded by Commissioner Sauls to approve an amended Option 2: Authorize the County Attorney's Office to pursue challenge of the adoption of the Welaunee Annexation ordinance adopted by the City Commission, and adopt a Resolution of intent to initiate Conflict Resolution procedures. Motion carried 5-1, with Commissioner Rackleff opposed and Commissioner Winchester, out of Chambers.

County Attorney Thiele suggested the motion include: the adoption of the Conflict Resolution to Initiate. Commissioner Grippa accepted the County Attorney's suggested inclusion.

- Commissioner Proctor asked about Commissioner Grippa's information regarding the expiration of the Welaunee Agreement and asked the CAO where that leaves the County as far as standing to address the new agreement.
- County Attorney Thiele indicated the County has standing in his opinion, but they have not been requested to participate in the formation of the new agreement and does not know what implications this may have on County services. The City is required to pay the Welaunee parent corporation approximately \$10 million for the right of way.

Commissioner Thaeli asked the maker of the motion for clarity as to the reason for the objection to the annexation.

- Commissioner Grippa stated that since this matter is headed to litigation – right now they are not following the Comp Plan which requires a dispute resolution process which they said at the Mayor/Chair meeting they simply refused to address the County's objection.
- Commissioner Proctor added that essentially the City stated that the County's objection did not have a substantial basis and that it 'lacked merit'. The Board could technically file an objection then could enter the basis for their objective in a substantial way later.
- County Attorney Thiele stated Commissioner Grippa expressed concerns that the annexation and 200 ft contraction that would be part of the deal none the less created an enclave in violation of Chapter 171.
- Commissioner DePuy asked the County Attorney re: the agreement that has expired with Welaunee at the time that was entered into:
  - 1) Was the County a party to that and/or
  - 2) at that time was the property in the unincorporated area or already annexed into the City.
- County Attorney Thiele stated his recollection was that the development agreement, the utilities agreement came as a complete surprise to the existing Commission at the time. They were engaged in negotiations with the City and the Dept. of Community Affairs over the adoption of the original 1990 Comprehensive Plan and while that was ongoing separate negotiations were underway with the City and the developer and the County was not a participant in those discussions. The answer to the first question is no, and the answer to the second question is all of the property was in the unincorporated area at the time which now of course 2/3 or so is within the City limit.

*Board discussion ensued as to the legality of the issue.*

Commissioner Rackleff went on point.

- Commissioner Rackleff stated just because some of us got our feelings hurt is not enough of a reason for him to vote for the motion.

**Citizens to be Heard on Non-Agendaed Items (6-minute limit)**

**Speakers:**

Mona Abbot stated she is shocked not happy with the park. They wanted a park, not a children's park located next to a landfill. Stated when they started putting trash in a 10 acre pit there would be problems. Norm Thomas, Manager of Park agreed with her that children will be paying the price for the County's tipping fees. Says she received a newsletter stating asbestos was allowed in the pit right by their children's park. There are 739 kinds of products with asbestos – some of



which children are being exposed to because the park is in a landfill. Also expressed frustration over her inability to attend and/or record Landfill Liaison Committee Meetings. She received a newsletter saying asbestos was allowed as being acceptable at the park location. DEP certified spotters in place - only one is certified - others are in training. The residents in that area are already dealing with a lot of noise to work at the landfill and she would like to at least be aware of hazardous materials being used and have access to meetings she thinks the public should have access to.

- Commissioner Rackleff thanked Ms. Abbott for coming to the meeting and communicating her concerns. He agrees she should be able to tape those meetings and has communicated that to Mr. Thomas. Also spoke with County Attorney and he concurred Ms. Abbott has every right to attend and tape the meetings - as long as she is not disruptive. Commissioner Rackleff has also had several conversations with Norm Thomas re: general operation of the landfill and the importance of ensuring safety. Debris will be buried on the other side - out of eyesight. He and the Commission have been working hard to ensure they have a solid waste operation.
- Commissioner DePuy thanked Ms. Abbott for her vigilance. However, as he told her in person, via e-mail, and on the phone he is not aware of anything they are doing at the landfill that violates the law. In fact, he believes they are complying with the law. If she has evidence to that effect, he would like to see it. #2 Wants to ask the County Administrator/Attorney whether she can attend those meetings or not.
- County Attorney Thiele reported the advice given to the Public Works Dept. is that for meetings which are open to the public and advertised as such, she is permitted to attend and audio/videotape those meetings. For those meetings, which are of groups not subject to the sunshine law, not advertised and not open to the public she may not attend or video/audiotape at the discretion of the presiding officer of that group. #3 To the extent that Public Works in the Solid Waste Division is conducting Staff training for the operation of the facility. If presented and escorted Ms. Abbott is permitted to tour a solid waste site.

### County Attorney

Wants to wish the Commissioners and their families a happy holiday season and a happy new year.

### Support Staff

Asst. County Attorney, Cherry Shaw; Board Secretary I, Diane Norvell; Agenda Coordinator, Christine Coble, Senior Asst. to the County Administrator, Andrea Simpson, and the Asst. County Administrator Vince Long were also afforded the opportunity to make a year end comment by Chairman Proctor.

**County Administrator**

No additional comment.

**Discussion Items by Commissioners****Commissioner Grippa**

Still confused by the motion on the agenda item for #37. Says \$1.6 million toward local economic development, also put money toward small business incentive plan. Does that mean if the City comes back and says they want to move forward with Danfoss – How do we 'undo' something we did without actually voting on it. Asked Staff to explain what happens now.

Staff stated the Board undid what they did.

Asked how. They didn't vote on it. The previous action was to approve the \$1.6 million. It doesn't say 'reject the Danfoss deal' – Options 1 and 2.

- Mr. Rosenzweig stated it was implicit in Staff's recommendation to the Board that it was either one or the other. By the Board's action they took the previously allocated \$1.6 million and allocated it for another purpose. Therefore, the \$1.6 million appropriated is no longer available for the other option.
- County Administrator Alam explained that under Options – (read the options) – emphasizing the word OR. Board went with options 1 and 2 and did not go with Options 3 and 4.

Commissioner Grippa questioned the wording of the motion.

- County Attorney Thiele reported the options section of the agenda items have preparatory clauses to each of the options. The question County Attorney Thiele posed earlier was whether or not the adoption of options 1 or 2 went into reallocating the \$1.6 million to another function – that is consistent with the preparatory clause at the top of the page under the word 'options' you have to read that in conjunction with options 1 and 2. The CAO concluded the Board has 'unfunded' the \$1.6 million and reallocated the \$1.6 million to local economic development efforts.
- Chairman Proctor stated at this juncture of the meeting the Commissioners' time is not to be spent re-opening matters that have been voted upon. It is to express new business, constituent matters, district matters needing to be agendaed, or speaking to matters other than those already voted upon.

Commissioner Grippa moved, seconded by Commissioner DePuy to agenda consideration for issuing a Request for Proposals (RFP) for Bond Counsel, all

Minority Bond Counsel, Disclosure Counsel, and Bond Counsel in General.  
Motion carried 6-0, with Commissioner Winchester out of Chambers.

Commissioner Grippa reported the Bond Counsels have not been RFP'd for ten years.

Requested \$500 annual funding through Policy No. 99-1, "Youth Sports Teams Funding" for the Tallahassee Select 14-year old Youth Girls Volleyball Team to attend qualifying tournaments for the Junior Olympics.

Mr. Rosenzweig stated he believed funds were available in the Youth Athletic Scholarship Fund so if this item qualifies they will simply process the \$500 check requested by Commissioner Grippa.

Complimented Commissioner Proctor on doing an incredible job Chairing the meeting and wished everyone a Merry Christmas, Happy Hanukah, and a Happy Kwanza.

### **Commissioner Thael**

Met with homeowners who reside on Pisgah Church Road and the Managing Partner for Centerville Farms in November concerning the designation of that segment of Pisgah Church Road as a canopy road. Tom Jackson, Staff has been working on the project. The scenic assessment is completed. Another meeting in January has been scheduled inviting the residents to a subsequent meeting. The Planning Dept. and the CAO have advised Mr. Jackson that a Comprehensive Plan Map Amendment would be required as well as an Amendment to the Environmental Management Act (EMA) and that the Comp. Plan Amendment should be initiated first.

Commissioner Thael moved, seconded by Commissioner Grippa to agenda the Comprehensive Plan Amendment. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Received a request from the Chair of the Friends of Leon County Library who donated \$100,000 last year. They would like a \$2,500 sponsorship.

Commissioner Thael moved, seconded by Commissioner Sauls to agenda a \$2,500 funding request from the Friends of the Leon County Library to assist in funding the Author Event on January 27, 2006 featuring author Scott Turow. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Wished everyone a happy holiday. Has been an entertaining, exciting, exhausting year. Knows everyone will enjoy their break. Come back renewed and ready to start a new year.

**Commissioner Rackleff**

Wished everyone a Merry Christmas and Happy Hanukah.

Commissioner Rackleff moved, seconded by Commissioner Grippa to reappoint Mike Sheridan to the Cultural Resources Commission (CRC). Motion carried 6-0, with Commissioner Winchester out of Chambers.

Commissioner Rackleff moved, seconded by Commissioner Grippa to waive the rules to make a motion for a funding request. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Commissioner Rackleff moved seconded by Commissioner Grippa to appropriate \$500 from the General Fund Contingency Account to assist in funding Ms. Power's trip to Washington D.C. to represent Leon County Schools in the Congressional Youth Leadership Council. Ms Power is a sophomore at Lincoln High School and member of the Lincoln Navy Junior ROTC. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Asked the County Attorney about consent item #33 the Middlebrooks Property Settlement and Staff's concern that this is a tract of land that was under consideration for purchase to become part of the Greenway Master Plan. Would like for Staff to research how to secure a part of that property for a Greenway. County Attorney Thiele stated this matter was resolved this afternoon, after speaking with the attorney who represents the estate.

**Commissioner Sauls**

Wished everyone a Merry Christmas and reminded everyone to be safe and enjoy their families.

**Commissioner DePuy**

Hopes everyone enjoys their holiday season whatever their persuasion is. Spend a lot of money to boost our local economy. Everybody travel safe and don't drink and drive.

**Commissioner Proctor**

*Commissioner Proctor relinquished the gavel to Vice-Chairman DePuy in order to be able to make a motion.*

Commissioner Proctor moved, seconded by Commissioner Grippa to waive the rules. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Commissioner Proctor moved, seconded by Commissioner Grippa to appropriate \$2,500 from the General Contingency Fund to the Greater Frenchtown Revitalization Council to purchase toys for the children at the "Soul Santa" event. Motion carried 6-0, with Commissioner Winchester out of Chambers.

*Commissioner DePuy returned the gavel to Chairman Proctor.*

Received a letter from the Chairman of the Gadsden County Commission regarding the situation with Gadsden County Hospital's closure. Leon County is now serving citizens who would have gone to Gadsden County Hospital. Same provider of this hospital is the provider of hospitals in Calhoun, Liberty. Provider has filed for bankruptcy. Asked the Chairman of Gadsden County to provide a chronology of the situation with their Community Hospital provided. The Chairman of Gadsden County Commission requested Leon County Staff work with Gadsden County Staff to address this issue.

- Commissioner Rackleff stated funds for transportation were requested in the letter for Gadsden County citizens to get to and from Leon County Hospitals. Commissioner Rackleff suggested that perhaps the Transportation Disadvantaged Program could help provide transportation, and on a temporary basis the Board could pay for funding of the TD Program.
- Commissioner Thaelle thanked Commissioner Proctor for bringing this issue forward. Commissioner Thaelle stated this is a growing problem throughout the state and the south east. This is really the obligation of the state of Florida to resolve. He would like to include the County's legislative delegation's work on a solution to the rural healthcare issues. Commissioner Thaelle requested the Board's liaison, Commissioner Grippa who is a representative on the Regional Healthcare Task Force, established by Congressman Boyd take this issue before the Regional Board. Short term local dollars he can understand expending; however, Leon County's healthcare problem's need to be addressed also. Commissioner Thaelle stated in the long term the state should address the healthcare problems in Gadsden.
- Commissioner Grippa stated we need to help Gadsden County with their healthcare issues. He will bring the issue to Congressman Boyd, but also believes we should help Gadsden County now. Commissioner Grippa indicated perhaps FSU, Florida A & M can be included in setting up a rural healthcare network.

Commissioner Proctor stated that as Commissioner Thaelle pointed out the crisis is that we have a Chapter 11 company running three hospitals in our neighboring counties. This company has already been cited for deficiencies. Commissioner Proctor seeks Board support to empower Staff and himself as Liaison Commissioner to Gadsden County to pursue the directions given. Commissioner Proctor thanked the Commissioners for their support.

Commissioner Proctor informed the community the Board's top priorities have been established for the 2006 Agenda. Citizens can access the Leon County website [www.co.leon.fl.us](http://www.co.leon.fl.us) to view the Board's priorities for the upcoming year.

**There being no further business to come before the Board, the meeting adjourned at 8:10 p.m.**

**The next Board of County Commissioners Meeting is scheduled for  
Tuesday, January 10, 2006 at 3:00 p.m.**

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Bill Proctor  
Chairman

ATTEST:

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Bob Inzer  
Clerk of the Court